

REMARKS:

Claims 1-53 are currently pending in the application.

Objection to the Specification.

Claims 1, 2, 10-12, 18, 19, 27-29, 35, 36, 44-46, and 52 stand rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,996,589 to Jayaram et al. ("Jayaram").

Claims 16, 17, 33, 34, 50, 51, and 53 stand rejected under 35 U.S.C. § 103(a) over *Jayaram*.

Claims 3, 20, and 37 stand rejected under 35 U.S.C. § 103(a) over *Jayaram* in view of U.S. Publication No. 2002/0046301 to Shannon et al. ("Shannon").

Claims 4-6, 8, 21-23, 25, 38-40 and 42 stand rejected under 35 U.S.C. § 103(a) over *Jayaram* in view of U.S. Patent No. 6,381,709 to Casagrande et al. ("Casagrande").

Claims 13-15, 30-32, and 47-49 stand rejected under 35 U.S.C. § 103(a) over *Jayaram* in view of U.S. Publication No. 2003/0233249 to Walsh et al. ("Walsh").

Claims 7, 9, 24, 26, 41, and 43 stand rejected under 35 U.S.C. § 103(a) over *Jayaram* in view of *Casagrande* and in further view of *Walsh*.

Applicants note with thanks the Examiner's response of 12 May 2009. Applicant further notes with thanks the Examiner's withdrawal of the previous rejections of Claim 52 under U.S.C. § 101.

Applicants respectfully submit that all of Applicants arguments and amendments are without prejudice or disclaimer. In addition, Applicants have merely discussed example distinctions from the cited prior art. Other distinctions may exist, and as such, Applicants reserve the right to discuss these additional distinctions in a future Response or on Appeal, if appropriate. Applicants further respectfully submit that by not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicants are considered sufficient to overcome the Examiner's rejections. In

addition, Applicants reserve the right to pursue broader claims in this Application or through a continuation patent application. No new matter has been added.

OBJECTION:

The specification stands objected to as failing to provide proper antecedent basis for the claimed subject matter. Applicants respectfully disagree and respectfully traverse the Examiner's objection to the specification.

Nonetheless, Applicants have amended Applicants claims to expedite prosecution of the subject application. By making these amendments, Applicants do not indicate agreement with or acquiescence to the Examiner's position with respect to the objection of Applicants specification, as set forth in the Office Action. Therefore, Applicants respectfully request that the objection to the specification be withdrawn.

REJECTION UNDER 35 U.S.C. § 102(e):

Claims 1, 2, 10-12, 18, 19, 27-29, 35, 36, 44-46, and 52 stand rejected under 35 U.S.C. § 102(e) over *Jayaram*. Applicants respectfully disagree.

Anticipation is a question of fact. *In re Schreiber*, 128 F.3d 1473, 1477 (Fed. Cir. 1997). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631 (Fed. Cir. 1987). There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *Scripps Clinic & Research Found. v. Genentech Inc.*, 927 F.2d 1565, 1576 (Fed. Cir. 1991).

Applicants respectfully submit that the *amendments to Applicants claims have rendered moot the Examiner's rejection of these claims and the Examiner's arguments in support of the rejection of these claims*. Applicants further respectfully submit that Applicants amended claims in their current amended form contain unique and novel limitations that are not taught, suggested, or

even hinted at in *Jayaram*. Thus, Applicants respectfully traverse the Examiner's rejection of Claims 1, 2, 10-12, 18, 19, 27-29, 35, 36, 44-46, and 52 under 35 U.S.C. § 102(e) over *Jayaram*.

***Jayaram* Fails to Disclose, Teach, or Suggest Various Limitations Recited in Applicant's Claims**

For example, with respect to Claim 1, this claim recites:

A computer-implemented system, comprising:

a data integration server coupled with one or more persistent data stores, the data integration server executing bulk data transfers between the one or more persistent data stores according to an enterprise-level business workflow, the data integration server comprising:

a plurality of programmatic source interfaces, each coupled with one or more source data stores, defined according to a common programmatic source interface specification, and exposed within the data integration server during the bulk data transfer; and

a plurality of programmatic target interfaces, each coupled with one or more target data store, stores, defined according to a common programmatic target interface specification, and exposed within the data integration server during the bulk data transfer,

wherein each of the plurality of programmatic source interfaces extracts from the one or more source data stores one or more data entities for loading into any one or more target data stores during the bulk data transfer; and

wherein each of the plurality of programmatic target interfaces loads into the one or more target data stores the one or more data entities extracted from the one or more source data stores during the bulk data transfer.

In addition, *Jayaram* fails to disclose each and every limitation of Claims 18, 35, and 53.

The Office Action Fails to Properly Establish a *Prima Facie* case of Anticipation over *Jayaram*

Applicants respectfully submit that the allegation in the present Office Action that *Jayaram* discloses all of the claimed features is respectfully traversed. Further, it is noted that the Office Action provides no concise explanation as to how *Jayaram* is considered to anticipate *all of the limitations* in Claims 1, 2, 10-12, 18, 19, 27-29, 35, 36, 44-46, and 52. *A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if each and every element of a*

claimed invention is identically shown in that single reference. MPEP § 2131. (Emphasis Added).

Applicants respectfully points out that “it is incumbent upon the examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference.” Ex parte Levy, 17 U.S.P.Q.2d (BNA) 1461, 1462 (Pat. & Tm. Off. Bd. Pat. App. & Int. 1990). Applicants respectfully submits that *the Office Action has failed to establish a prima facie case of anticipation in Claims 1, 2, 10-12, 18, 19, 27-29, 35, 36, 44-46, and 52 under 35 U.S.C. § 102 with respect to Jayaram because Jayaram fails to identically disclose each and every element of Applicants claimed invention, arranged as they are in Applicants claims.*

Applicants Claims are Patentable over Jayaram

Claims 18, 35, and 52 are considered patentably distinguishable over *Jayaram* for at least the reasons discussed above in connection with Claim 1.

Furthermore, with respect to dependent Claims 2, 10-12, 19, 27-29, 36, and 44-46: Claims 2 and 10-12 depend from Claim 1; Claims 19 and 27-29 depend from Claim 18; and Claims 36 and 44-46 depend from Claim 35 and are also considered patentably distinguishable over *Jayaram*. Thus, dependent Claims 2, 10-12, 19, 27-29, 36, and 44-46 are considered to be in condition for allowance for at least the reason of depending from an allowable claim.

Thus, for at least the reasons set forth herein, Applicants respectfully submit that Claims 1, 2, 10-12, 18, 19, 27-29, 35, 36, 44-46, and 52 are not anticipated by *Jayaram*. Applicants further respectfully submit that Claims 1, 2, 10-12, 18, 19, 27-29, 35, 36, 44-46, and 52 are in condition for allowance. Thus, Applicants respectfully request that the rejection of Claims 1, 2, 10-12, 18, 19, 27-29, 35, 36, 44-46, and 52 under 35 U.S.C. § 102 (e) be reconsidered and that Claims 1, 2, 10-12, 18, 19, 27-29, 35, 36, 44-46, and 52 be allowed.

REJECTION UNDER 35 U.S.C. § 103(a):

Claims 16, 17, 33, 34, 50, and 51 stand rejected under 35 U.S.C. § 103(a) over *Jayaram*.

Claims 3, 20, 37, and 53 stand rejected under 35 U.S.C. § 103(a) over *Jayaram* in view of *Shannon*.

Claims 4-6, 21-23, 25, 38-40 and 42 stand rejected under 35 U.S.C. § 103(a) over *Jayaram* in view of *Casagrande*. Claims 13-15, 30-32, and 47-49 stand rejected under 35 U.S.C. § 103(a) over *Jayaram* in view of *Walsh*.

Claims 7, 9, 24, 26, 41, and 43 stand rejected under 35 U.S.C. § 103(a) over *Jayaram* in view of *Casagrande* and in further view of *Walsh*.

Applicants respectfully submit that the proposed combination of *Jayaram*, *Shannon*, *Casagrande*, and *Walsh*, either individually or in combination fails to disclose each and every limitation recited by Claims 3-7, 9, 13-16, 17, 20-24, 25, 26, 30-33, 34, 37-41, 42, 43, 47-50, 51, and 53. Applicants further respectfully submit that Claims 3-7, 9, 13-16, 17, 20-24, 25, 26, 30-33, 34, 37-41, 42, 43, 47-50, 51, and 53 patentably distinguish over the proposed combination of *Jayaram*, *Shannon*, *Casagrande*, and *Walsh*. Thus, Applicants respectfully traverse the Examiner's obvious rejection of Claims 3-7, 9, 13-16, 17, 20-24, 25, 26, 30-33, 34, 37-41, 42, 43, 47-50, 51, and 53 under 35 U.S.C. § 103(a) over the proposed combination of *Jayaram*, *Shannon*, *Casagrande*, or *Walsh*, either individually or in combination.

The Office Action Acknowledges that *Jayaram* Fails to Disclose Various Limitations Recited in Applicants Claims

Applicants respectfully submit that the Office Action acknowledges, and Applicants agree, that *Jayaram* fails to disclose various limitations recited in Claim 1. Specifically the Examiner acknowledges that *Jayaram* fails to teach "*isolating transformation logic from defined programmatic interfaces*", "*JAVA interfaces*", "*industry standard interface and industry standard protocol*", "*industry standard File Transfer Protocol (FTP) interface and FTP industry standard protocol*", "*Extract-Transform-Load (ETL) tool*", and "*to support compatibility between any commercially available ETL tool*". (12 May 2009 Final Office Action, Page 6). However, the Examiner asserts that the cited portions of *Shannon*, *Casagrande*, and *Walsh* disclose the acknowledged shortcomings in *Jayaram*. Applicants respectfully traverse the Examiner's assertions regarding the subject matter disclosed in *Shannon*, *Casagrande*, and *Walsh*.

The Office Action Fails to Properly Establish a *Prima Facie* case of Obvious over the Proposed *Jayaram-Shannon-Casagrande-Walsh* Combination According to the UPSTO Examination Guidelines

Applicants respectfully submit that the Office Action fails to properly establish a *prima facie* case of obviousness based on the proposed combination of *Jayaram, Shannon, Casagrande, and Walsh*, either individually or in combination, and in particular, the Office Action fails to establish a *prima facie* case of obviousness based on the “Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in *KSR International Co. v. Teleflex Inc.*” (the “Guidelines”).

As reiterated by the Supreme Court in *KSR International Co. v. Teleflex Inc. (KSR)*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.* (383 U.S. 1, 148 USPQ 459 (1966)). Obviousness is a question of law based on underlying factual inquiries. These factual inquiries enunciated by the Court are as follows:

- (1) Determining the scope and content of the prior art;
- (2) Ascertaining the differences between the claimed invention and the prior art; and
- (3) Resolving the level of ordinary skill in the pertinent art.

(Notice, 72 Fed. Reg. 57527 (Oct. 10, 2007)). Objective evidence relevant to the issue of obviousness must be evaluated by Office personnel. (383 U.S. 17–18, 148 USPQ 467 (1966)). As stated by the Supreme Court in *KSR*, “While the sequence of these questions might be reordered in any particular case, the [*Graham*] factors continue to define the inquiry that controls.” (*KSR*, 550 U.S. at __, 82 USPQ2d at 1391).

However, it is important to note that the Guidelines require that Office personnel “*ensure that the written record includes findings of fact* concerning the state of the art and the teachings of the references applied. (Notice, 72 Fed. Reg. 57527 (Oct. 10, 2007)). In addition, the Guidelines remind Office personnel that the “*factual findings made by Office personnel are the necessary underpinnings to establish obviousness.*” (*id.*). Further, “*Office personnel must provide an explanation to support an obviousness rejection* under 35 U.S.C. 103. (*id.*). In fact, “35 U.S.C. 132 requires that the applicant be notified of the reasons for the rejection of the claim so that he or

she can decide how best to proceed” and “clearly setting forth findings of fact and the rationale(s) to support a rejection in an Office action leads to the prompt resolution of issues pertinent to patentability.” (*id.*).

With respect to the subject application, the Office Action has not shown the *factual findings necessary to establish obviousness* or even *an explanation to support the obviousness rejection* based on the proposed combination of *Jayaram, Shannon, Casagrande, and Walsh*. The Office Action merely states that “it would have been obvious to one having ordinary skill in the art at the time of the invention was made; that the transformation logic can be coded separately from logical relationship” and “to support ETL tool or any type of tools for the data stores”. Applicants respectfully disagree and respectfully submit that the Examiner’s conclusory statement is not sufficient to establish the *factual findings necessary to establish obviousness* and is not a sufficient *explanation to support the obviousness rejection* based on the proposed combination of *Jayaram, Shannon, Casagrande, and Walsh*.

The Guidelines further provide guidance to Office personnel in “determining the scope and content of the prior art” such as, for example, “Office personnel must first obtain a thorough understanding of the invention disclosed and claimed in the application.” (Notice, 72 Fed. Reg. 57527 (Oct. 10, 2007)). The scope of the claimed invention must be clearly determined by giving the claims the “broadest reasonable interpretation consistent with the specification.” (See *Phillips v. AWH Corp.*, 415 F.3d 1303, 1316, 75 USPQ2d 1321, 1329 (Fed. Cir. 2005) and MPEP § 2111.). In addition, the Guidelines state that any “*obviousness rejection should include*, either explicitly or implicitly in view of the prior art applied, *an indication of the level of ordinary skill.*” (Notice, 72 Fed. Reg. 57528 (Oct. 10, 2007)). With respect to the subject Application, the Office Action has not provided *an indication of the level of ordinary skill*.

The Guidelines still further provide that once the *Graham* factual inquiries are resolved, Office personnel must determine whether the claimed invention would have been obvious to one of ordinary skill in the art. (*Id.*). For example, the Guidelines state that *Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.* (*Id.*). In addition, the Guidelines state that the proper analysis is

whether the claimed invention would have been obvious to one of ordinary skill in the art after consideration of all the facts. (*Id.* and See 35 U.S.C. 103(a)).

With respect to the subject Application, the Office Action has not expressly resolved any of the *Graham* factual inquiries to determine whether Applicants invention would have been obvious to one of ordinary skill in the art. In addition, the Office Action fails to *explain why the difference(s) between the proposed combination of Jayaram, Shannon, Casagrande, Walsh, and Applicants claimed invention would have been obvious to one of ordinary skill in the art*. The Office Action merely states that “because by doing so it would be easier to develop separate segments of codes in a complex software system”, “because *Shannon* teaching of JAVA interfaces would provide a greater ease of integration by allowing data to be mapped from one application to another application”, “because *Casagrande* teaching of industry standard protocol interface would enhance and make it easier for *Jayaram*’s system to transfer data between data stores using well known protocol such as FTP”, “in order to provide a data store independent system allowing data conversion from any source data stores into any target data stores”, and “because *Walsh*’s teaching of ETL tool would enhance the transfer mechanism in *Jayaram*’s and *Casagrande*’s systems by providing extraction of data from a data source”. Applicants respectfully disagree and further respectfully request clarification as to how this statement *explains why the difference(s) between the proposed combination of Jayaram, Shannon, Casagrande, Walsh, and Applicants claimed invention would have been obvious to one of ordinary skill in the art*. Applicants further respectfully submit that the Examiner is using the subject Application as a template to formulate reconstructive hindsight, which constitutes impermissible use of hindsight under 35 U.S.C. § 103(a).

The Guidelines yet further state that the “key to supporting any rejection under 35 U.S.C. 103 is the *clear articulation of the reason(s) why the claimed invention would have been obvious.*” (Notice, 72 Fed. Reg. 57528 (Oct. 10, 2007)). In fact, the Supreme Court in *KSR* noted that “*the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.*” (*id.*). The Court quoting *In re Kahn* (441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006)), stated that ““[R]ejections on *obviousness cannot be sustained by mere conclusory statements*; instead, there *must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.*”” (*KSR*, 550 U.S. at __, 82 USPQ2d at 1396). The Guidelines provide the following seven rationales:

- (A) Combining prior art elements according to known methods to yield predictable results;
- (B) Simple substitution of one known element for another to obtain predictable results;
- (C) Use of known technique to improve similar devices (methods, or products) in the same way;
- (D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;
- (E) “Obvious to try”—choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success;
- (F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art;
- (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

Applicants respectfully submit that the *Office Action fails to provide any articulation, let alone, clear articulation of the reasons why Applicants claimed invention would have been obvious*. For example, the *Examiner has not adequately supported the selection and combination of Jayaram, Shannon, Casagrande, and Walsh to render obvious Applicants claimed invention*. The Examiner's unsupported conclusory statements that “it would have been obvious to one having ordinary skill in the art at the time of the invention was made: that the transformation logic can be coded separately from logical relationship”, “to support ETL tool or any type of tools for the data stores”, “because by doing so it would be easier to develop separate segments of codes in a complex software system”, “because Shannon teaching of JAVA interfaces would provide a greater ease of integration by allowing data to be mapped from one application to another application”, “because Casagrande teaching of industry standard protocol interface would enhance and make it easier for Jayaram's system to transfer data between data stores using well known protocol such as FTP”, “in order to provide a data store independent system allowing data conversion from any source data stores into any target data stores”, and “because Walsh's teaching of ETL tool would enhance the transfer mechanism in Jayaram's and Casagrande's systems by providing extraction of data from a data source”, *does not adequately provide clear articulation of the reasons why Applicants claimed invention would have been obvious*. In addition, the Examiner's unsupported conclusory

statement fails to meet any of the Guidelines rationales to render obvious Applicants claimed invention.

Thus, if the Examiner continues to maintain the obvious rejection based on the proposed combination of *Jayaram*, *Shannon*, *Casagrande*, and *Walsh*, Applicants respectfully request that the Examiner provide proper support for the obviousness rejection under 35 U.S.C. 103 as necessitated by the Guidelines.

Applicants Claims are Patentable over the Proposed *Jayaram-Shannon-Casagrande-Walsh* Combination

Applicants respectfully submit that as discussed above, Claims 1, 18, 35, and 52 are considered patentably distinguishable over *Jayaram*. In addition, Applicants respectfully submit that Claim 53 is considered patentably distinguishable over *Jayaram* for at least the reasons discussed above in connection with Claims 1, 18, 35, and 52.

Furthermore, with respect to dependent Claims 3-7, 9, 13-16, 17, 20-24, 25, 26, 30-33, 34, 37-41, 42, 43, 47-50, and 51: Claims 3-7, 9, 13-16, and 17 depend from Claim 1; Claims 20-24, 25, 26, 30-33, and 34 depend from Claim 18; and Claims 37-41, 42, 43, 47-50, and 51 depend from Claim 35. As mentioned above, each of Claims 1, 18, 35, 52, and 53 are considered patentably distinguishable over the proposed combination of *Jayaram*, *Shannon*, *Casagrande*, or *Walsh*, either individually or in combination. Thus, dependent Claims 3-7, 9, 13-16, 17, 20-24, 25, 26, 30-33, 34, 37-41, 42, 43, 47-50, and 51 are considered to be in condition for allowance for at least the reason of depending from an allowable claim.

For at least the reasons set forth herein, Applicants respectfully submit that Claims 3-7, 9, 13-16, 17, 20-24, 25, 26, 30-33, 34, 37-41, 42, 43, 47-50, 51, and 53 are not rendered obvious by the proposed combination of *Jayaram*, *Shannon*, *Casagrande*, or *Walsh*. Applicants further respectfully submit that Claims 3-7, 9, 13-16, 17, 20-24, 25, 26, 30-33, 34, 37-41, 42, 43, 47-50, 51, and 53 are in condition for allowance. Thus, Applicants respectfully request that the rejection of Claims 3-7, 9, 13-16, 17, 20-24, 25, 26, 30-33, 34, 37-41, 42, 43, 47-50, 51, and 53 under 35 U.S.C. § 103(a) be reconsidered and that Claims 3-7, 9, 13-16, 17, 20-24, 25, 26, 30-33, 34, 37-41, 42, 43, 47-50, 51, and 53 be allowed.

CONCLUSION:

In view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and early reconsideration and a Notice of Allowance are earnestly solicited.

A Request for Continued Examination (RCE) is being filed electronically herewith to facilitate the processing of this deposit account authorization. **The Director is hereby authorized to charge the \$810.00 RCE fee, to Deposit Account No. 500777.** Although Applicants believe no additional fees are deemed to be necessary; the undersigned hereby authorizes the Director to charge any additional fees which may be required, or credit any overpayments, to **Deposit Account No. 500777**. If an extension of time is necessary for allowing this Response to be timely filed, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) to the extent necessary. Any fee required for such Petition for Extension of Time should be charged to **Deposit Account No. 500777**.

Please link this application to Customer No. 53184 so that its status may be checked via the PAIR System.

Respectfully submitted,

12 August 2009
Date

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